

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Gabriella Carpenter	Team: Squad #5	CCRB Case #: 201709798	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 11/21/2017 2:50 PM	Location of Incident: 140th Avenue and Bedell Street	Precinct: 113	18 Mo. SOL 5/21/2019	EO SOL 5/21/2019	
Date/Time CV Reported Tue, 11/21/2017 3:03 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 11/27/2017 11:37 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Mark Lewis	05062	954060	113 PCT
2. POM Joseph Paige	19528	955288	113 PCT
3. SGT Edward Scali	03350	931170	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Nicholas Conte	28387	957484	113 PCT
2. POM Manuel Goico	01530	959661	113 PCT
3. POM Louis Rabin	15141	962035	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Mark Lewis	Abuse: Police Officer Mark Lewis refused to provide his name and shield number to § 87(2)(b)	
B.SGT Edward Scali	Abuse: Sergeant Edward Scali refused to provide his name and shield number to § 87(2)(b)	
C.POM Joseph Paige	Discourtesy: Police Officer Joseph Paige spoke discourteously to § 87(2)(b)	
D.POM Joseph Paige	Off. Language: Police Officer Joseph Paige made remarks to § 87(2)(b) based upon her gender.	

Case Summary

§ 87(2)(b) filed a complaint with the Internal Affairs Bureau over the phone on November 21, 2017, generating log number 17-46339. The complaint was received by the CCRB on November 27, 2017.

On November 21, 2017, at approximately 2:50 p.m., § 87(2)(b) saw that Police Officer Mark Lewis, Police Officer Joseph Paige, and Sergeant Edward Scali of the 113th Precinct had stopped two males that she did not know, § 87(2)(b) and § 87(2)(b). § 87(2)(b) asked the officers for their names and shield numbers but they did not respond (**Allegations A and B: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) said that she was going to call 911 and PO Paige said, “Mind your fucking business” (**Allegation C: Discourtesy**, § 87(2)(g)). § 87(2)(b) heard PO Paige say to another officer, “This bitch is doing too much” (**Allegation D: Offensive Language**, § 87(2)(g)). The officers put the arrested civilians into their cars and drove away.

§ 87(2)(b) took two short videos of the incident but neither video indicates whether the alleged conduct occurred.

Findings and Recommendations

Allegation A: Abuse of Authority: Police Officer Mark Lewis refused to provide his name and shield number to § 87(2)(b)

Allegation B: Abuse of Authority: Sergeant Edward Scali refused to provide his name and shield number to § 87(2)(b)

Allegation C: Discourtesy: Police Officer Joseph Paige spoke discourteously to § 87(2)(b)

Allegation D: Offensive Language: Police Officer Joseph Paige made remarks to § 87(2)(b) based upon her gender.

§ 87(2)(b) testified that she stopped about ten feet from where the officers were speaking to § 87(2)(b) and § 87(2)(b) and asked what was going on and for all of the officers’ names and badge numbers (BR 01, BR 02, and BR 08). § 87(2)(b) was speaking loudly but was not yelling. None of the officers responded so § 87(2)(b) said that she was going to call 911. In her sworn statement, § 87(2)(b) testified that PO Paige responded, “Mind your fucking business” but in her phone statement she stated that he just said, “Mind your business.” § 87(2)(b) called 911 to report that the officers had stopped the boys and had not provided their names. As she was calling, PO Paige said to another officer, “This bitch is doing too much.” The officers put the arrested civilians into their cars and drove away. § 87(2)(b) initially testified that three males had been stopped, but at the end of the interview when she watched the videos she had taken, she realized that one male in plainclothes that she thought was an arrested civilian was actually an officer.

§ 87(2)(b) indicated that § 87(2)(b) stood across the street while he and § 87(2)(b) were being placed under arrest (BR 03). § 87(2)(b) told the officers that they should not be arresting kids for doing nothing and that she was going to call 911. An officer told her to stay out of it, but none of the officers used profanity, and § 87(2)(b) did not ask for the officers’ names or shield numbers.

Contact attempts to § 87(2)(b) were exhausted without the investigation obtaining his statement (BR 09).

PO Lewis testified that he and PO Paige were arresting § 87(2)(b) and § 87(2)(b) for § 87(2)(b) when § 87(2)(b) approached and stood about three car-lengths from where the officers were standing (BR 04). § 87(2)(b) yelled that the officers were harassing innocent black kids; at other times § 87(2)(b) spoke in a normal voice or mumbled, and PO Lewis could not hear everything that she said. PO Lewis could not recall any officers speaking to § 87(2)(b) at any point. § 87(2)(b) never asked for the officers' names or shield numbers, and the officers never used profanity, including saying, "This bitch is doing too much," and "Mind your fucking business." One of the arrested civilians called § 87(2)(b) a "bitch" and he thought that the arrested civilians might have used other profanity but he could not recall what. The officers left with the arrested civilians.

§ 87(2)(g) PO Paige testified that § 87(2)(b) initially walked within a few feet of the officers then moved 60 to 100 feet away from them after officers asked her to back up, and PO Paige could not recall what profanity the arrested civilians used specifically (BR 05).

Sgt. Scal § 87(2)(g) testified that § 87(2)(b) stood about 80 feet from the officers (BR 06). § 87(2)(b) called 911 during the incident and reported that an officer called her a "bitch" and that the officers had not given her their names and shield numbers; the officers were not audible in the recording (BR 07).

§ 87(2)(b) asked the group of officers generally one time for their names and shield numbers; at no point did she request the information from a specific officer. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b)

- Sgt. Scali has been a member of the service for 15 years and has had 18 other allegations pled against him in seven cases, including one vehicle search allegation, one premises entered allegation, one refusal to provide name and shield allegation, and one abuse (other) allegation in CCRB 200601554 that were substantiated. No other allegations were substantiated § 87(2)(g).
- PO Paige has been a member of the service for four years and has had six other allegations pled against him in four cases, none of which were substantiated § 87(2)(g).
- PO Lewis has been a member of the service for five years and has had three other allegations pled against him in two cases. One refusal to provide name and shield allegation was pled against him in CCRB 201308666 that was unfounded.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation § 87(2)(g).
- This report was submitted pending a FOIL request sent to the comptroller's office on February 1, 2018 for any notice of claim filed in regard to this incident.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date